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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,136	10/10/2001	David M. Payne	10012107-1	9533

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/976,136	<b>Applicant(s)</b> PAYNE ET AL.	
	<b>Examiner</b> Houshang Safaipoor	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Seek et al. (U.S. Patent No. 6,870,648).

Regarding claim 1, Seek discloses a document capture device for an imaging device comprising a document capture arm connected to the imaging device and positionable on a platen for securing a document in a selected position on the platen (fig. 1, col. 2, line 54 through col. 3, line 11).

Regarding claim 2, Seek discloses the document capture device of claim 1 wherein the document capture arm further comprises a document capture arm removably connectable to the

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imaging device, the document capture arm positionable on the platen for securing a document in a selected position on the platen (fig. 1, col. 2, line 54 through col. 3, line 11).

Regarding claim 3, Seek discloses a document capture device for an imaging device including a platen and a platen cover, the document capture device comprising a document capture arm disposed between the platen and the platen cover, the document capture arm positionable on the platen for securing a document in a selected position on the platen (fig. 1, col. 2, line 54 through col. 3, line 11).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seek et al. (U.S. Patent No. 6,870,648) and further in view of Bromley et al. (U.S. Patent No. 5,818,610).

Regarding claim 4, Seek does not disclose the document capture device of claim 3 further comprising a capture arm actuator attached at and extending from a proximate end of the document capture arm into an opening path of a rear edge of the cover for coordinated manipulation of the document capture arm with the cover. Bromley discloses such a scanning frame (fig. 1, arm 22). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine these to inventions for easy movement of the bar.

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Regarding claim 5, Seek discloses the document capture device of claim 3 wherein the document capture arm further comprises a frictionally positionable document capture arm (fig. 1, col. 2, line 54 through col. 3, line 11).

Regarding claim 6, Seek identifies the grooves inside the bars 12 and 13, however, it would have been obvious to a person of an ordinary skill in the art to put indexing marks on the bars for alignment purposes.

Regarding claim 7, please refer to fig. 1.

Regarding claim 8, arguments analogous to those presented for claim 3 are applicable to claim 8.

Regarding claims 9 and 10, Seek does not explicitly disclose the material for the capture arms as being transparent or flexible. However, applicant has not disclosed that such material provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the invention to perform equally well with other material.

Regarding claim 11, arguments analogous to those presented for claim 1 are applicable to claim 11.

Regarding claim 12, arguments analogous to those presented for claim 4 are applicable to claim 12.

Regarding claim 13, arguments analogous to those presented for claim 5 are applicable to claim 13.

Regarding claim 16, Seek discloses the device of claim 9 wherein the document capture arm further comprises a removable document capture arm (fig. 1).

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Regarding claims 17 and 18, arguments analogous to those presented for claim 9 are applicable to claims 17 and 18.

Regarding claims 19 and 20, arguments analogous to those presented for claims 11 and 16 are applicable to claims 19 and 20 respectively.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
April 1, 2005

  
EDWARD COLES  
SUPERVISOR, PATENT EXAMINER  
ART UNIT 2622